

diphtheria, catarrh, asthma, bronchitis, fever, headache, earache, toothache, neuralgia, sore throat, pleurisy, pneumonia, diabetes, stomach and kidney trouble, rheumatism, sprains, bruises, cuts, burns, insect bites, poison oak, and similar conditions indicated by the abbreviation "etc.," gravel, and wounds of all kinds; that the article was the most useful all around family remedy known for internal or external uses from the youngest to the oldest; that, when used in conjunction with *Heron's Liver Regulator*, it would be efficacious in the treatment of Bright's disease and diabetes; and that it would be efficacious in the treatment of colds or anything that originates from a cold, whereas the article would not be efficacious for the purposes claimed; and certain statements regarding another drug, *Heron's Constipation Remedy and Liver Regulator*, appearing in an accompanying circular, were false and misleading since they represented and suggested that the other drug was a wonderful relief for the liver, stomach, and bowels, diabetes, and the gall, whereas the other drug was not a wonderful relief for the liver, stomach, or bowels, diabetes, or the gall.

It was also alleged that the defendant had been previously convicted under the Federal Food, Drug, and Cosmetic Act.

**DISPOSITION:** The defendant subsequently filed a notice of motion to strike from the indictment the allegation of prior conviction and also filed a demurrer to the indictment as a whole for insufficiency and to the prior conviction pleaded therein. On July 10, 1944, the matter came on for hearing, at the conclusion of which the court granted the motion to strike and sustained the demurrer as to all counts of the indictment. On August 9, 1944, the Government filed a petition for an appeal from the district court to the Circuit Court of Appeals for the Ninth Circuit, setting forth that the action in granting the motion to strike the allegation of prior conviction in each count of the indictment and sustaining the demurrer to each count effected a final order setting aside the indictment. On the same date, an order was entered allowing the appeal. On February 20, 1945, following the death of the defendant, an order was entered by the appellate court, abating the action and dismissing the appeal.

**1564. Adulteration and misbranding of balsam copaiba. U. S. v. 2 Cans of Balsam Copaiba. Default decree of forfeiture and destruction. (F. D. C. No. 12673. Sample No. 58676-F.)**

**LIBEL FILED:** On or about June 27, 1944, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about March 13, 1944, by the McCormick Sales Co., from Baltimore, Md.

**PRODUCT:** 2 cans, each containing 29 pounds, of *balsam copaiba* at Appomattox, Va. The product consisted essentially of a mixture of copaiba, cubeb, alum, and magnesium carbonate.

**LABEL, IN PART:** (Cans) "29 Lbs. Balsam Copaiba (Mixture) McCormick & Co. Manufacturing Chemists Baltimore, Md., U. S. A."

**NATURE OF CHARGE:** Adulteration, Section 501 (d), the substances cubeb, alum, and magnesium carbonate had been substituted in part for *balsam copaiba* (mixture).

Misbranding, Section 502 (a), the label statement, "Balsam Copaiba (Mixture)," was false and misleading as applied to the article, which consisted in part of cubeb, alum, and magnesium carbonate; Section 502 (e) (2), the label of the article failed to bear the common or usual name of each active ingredient in the article; and, Section 502 (f) (1), its label failed to bear adequate directions for use.

**DISPOSITION:** December 4, 1944. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**1565. Misbranding of Pso-Ridisal. U. S. v. 180 Dozen Packages of Pso-Ridisal (and 6 other seizure actions against Pso-Ridisal). Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 12916, 13398, 13399, 13401, 13595, 13596, 13611. Sample Nos. 59858-F, 63909-F, 66958-F, 66959-F, 68988-F, 86902-F, 87407-F.)**

**LIBELS FILED:** Between the approximate dates of July 27 and October 3, 1944, Northern District of Illinois, Southern District of Florida, Western District of Wisconsin, District of Kansas, and District of Colorado.

**ALLEGED SHIPMENT:** Between the approximate dates of May 11 and August 9, 1944, by the Sulfa Products Co., from Kansas City, Mo.

**PRODUCT:** *Pso-Ridisal*, 192 dozen packages at Chicago, Ill., 3 dozen packages at Miami, Fla., 5 dozen packages at LaCrosse, Wis., 21 dozen packages at Wichita, Kans., and 33 packages at Denver, Colo. Analyses of samples disclosed that